

Congress Wades into Special Operations

HENRY L. T. KOREN, JR.

The Fiscal Year 1987 National Defense Authorization Bill included legislation that directed a significant reorganization of the Defense Department's special operations forces (SOF). Specifically, the legislation directed the formation of a unified combatant command for special operations, the creation of an Assistant Secretary of Defense for Special Operations and Low Intensity Conflict, and the establishment of a Coordinating Board for Low Intensity Conflict within the National Security Council. This legislation was the product of separate bills introduced in the House and the Senate, with the adopted version largely taking the form of the Senate bill.

While perhaps not revolutionary, this legislation certainly represents a distinct departure from past congressional practice and is of interest for a variety of reasons in studying congressional relations with both the military and the executive branch. It marks the first time since the creation of DOD in 1947 that Congress has directed the formation of a unified combatant command. This was done over the strong objections of both the Administration and the Department of Defense, illustrating a difference in views between an influential bipartisan group of legislators and the Administration over policy toward unconventional warfare and low-intensity conflict. The legislation is also unusual because of its specificity in many areas that would normally have been left to DOD discretion. Lastly, it is notable because it instructs the Administration to form a specific board in the National Security Council and is thus directly involved in the organization of the President's personal staff.

The legislation prompts several questions: Why did Congress feel compelled to enact it? What prompted a bipartisan group of congressmen to take up an issue that has no real public constituency? What was the rationale behind the organizational structure in the final legislation? Why was Congress

Report Documentation Page				Form Approved OMB No. 0704-0188	
Public reporting burden for the collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Washington Headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington VA 22202-4302. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to a penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.					
1. REPORT DATE 1988		2. REPORT TYPE		3. DATES COVERED 00-00-1988 to 00-00-1988	
4. TITLE AND SUBTITLE Congress Wades into Special Operations				5a. CONTRACT NUMBER	
				5b. GRANT NUMBER	
				5c. PROGRAM ELEMENT NUMBER	
6. AUTHOR(S)				5d. PROJECT NUMBER	
				5e. TASK NUMBER	
				5f. WORK UNIT NUMBER	
7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) U.S. Army War College,ATTN: Parameters,122 Forbes Avenue,Carlisle,PA,17013-5238				8. PERFORMING ORGANIZATION REPORT NUMBER	
9. SPONSORING/MONITORING AGENCY NAME(S) AND ADDRESS(ES)				10. SPONSOR/MONITOR'S ACRONYM(S)	
				11. SPONSOR/MONITOR'S REPORT NUMBER(S)	
12. DISTRIBUTION/AVAILABILITY STATEMENT Approved for public release; distribution unlimited					
13. SUPPLEMENTARY NOTES					
14. ABSTRACT					
15. SUBJECT TERMS					
16. SECURITY CLASSIFICATION OF:			17. LIMITATION OF ABSTRACT Same as Report (SAR)	18. NUMBER OF PAGES 13	19a. NAME OF RESPONSIBLE PERSON
a. REPORT unclassified	b. ABSTRACT unclassified	c. THIS PAGE unclassified			

so directive and specific in the language? What are the policy implications? Is this an exception, or is it the beginning of extensive congressional involvement in operational matters? This article will attempt to provide some answers.

Special Operations and Low-Intensity Conflict

Before addressing the questions above, it will be of use to briefly discuss special operations and low-intensity conflict over the past 30 years as a basis for examining the legislation and the circumstances surrounding it. First, we need to clearly understand the terms and the context in which they are being used; unfortunately, special operations and low-intensity conflict are often used interchangeably, as though they were one and the same.

Low-intensity conflict (LIC) describes an *environment* in which a particular type of conflict occurs. A variety of forces, both civilian and military, may be used in concert to achieve political, social, or economic objectives.¹ What delineates low-intensity conflict? A fairly narrow definition would identify three primary missions: counterinsurgency, insurgency/resistance, and counter-terrorism.² A broader definition would add peacetime contingency and peacekeeping missions.³

The term special operations, on the other hand, denotes a *capability* that normally requires specially organized, trained, and equipped forces that can be employed anywhere in the conflict spectrum. A definition that might be useful in understanding special operations is this:

Small-scale, clandestine, covert, or overt operations of an unorthodox and frequently high-risk nature undertaken to achieve political or military objectives in support of foreign policy. Special operations are characterized by either simplicity or complexity, by subtlety and imagination, by the discriminate use of violence, and by oversight at the highest level. Military and non-military resources, including intelligence assets, may be used in concert.⁴

Low-intensity conflict and special operations are clearly not interchangeable terms. Indeed, while special operations forces can have important applications in low-intensity conflict, they can be equally important in high-intensity war. SOF should probably be a key element in any LIC mission.

Lieutenant Colonel Henry L. T. Koren, Jr., is Chief of the Tactics Division at the US Army Infantry School, Fort Benning, Georgia. He is a graduate of the University of Maryland and the US Army War College. He previously commanded the 4th Battalion (Mechanized), 54th Infantry, 194th Armored Brigade, at Fort Knox, and has held various infantry and Special Forces command and staff assignments in the United States and Germany. In 1970-71 he served in Vietnam as a Reconnaissance Platoon Leader and subsequently Company Commander with the 2d Battalion, 5th Cavalry, 1st Cavalry Division.

The history of low-intensity conflict in US national security policy over the past 30 years is instructive, if somewhat depressing. Immediately after his inauguration, President Kennedy began to push for an effective counterinsurgency policy and with it the doctrine, forces, and training to implement that policy. He said:

There is another type of war, new in its intensity, ancient in its origins—war by guerrillas, subversives, insurgents, assassins; war by ambush instead of combat; by infiltration instead of aggression, seeking victory by eroding and exhausting the enemy instead of engaging him. . . . [I]t requires in those situations where we must counter it . . . a whole new strategy, a whole different kind of force, and therefore a new and wholly different kind of military training.⁵

This “revolution from above” immediately ran into opposition from the military, particularly from the Army, because that service would bear the brunt of counterinsurgency. By 1965, it had become the “revolution that failed.”⁶ A deep-seated conventional mindset caused the senior military leaders to give only lip service to President Kennedy’s desires; they maintained the attitude that the capabilities required to fight a mid- or high-intensity conventional war were adequate to prosecute a smaller low-intensity one.⁷

Coming out of Vietnam, the US defense establishment refocused its efforts on preparing for a conventional war in Europe. The only deviation from this came with the formation of a contingency headquarters for Southwest Asia, now CENTCOM, but even that reflected the idea that the United States would be facing a large Soviet force. During the 1970s, US capabilities to fight in a low-intensity environment were heavily cut until they had “withered into virtual uselessness.”⁸ This was true not only of the military, but of the government as a whole, with the Central Intelligence Agency being gutted of its paramilitary and human intelligence capabilities. The familiar refrain of “no more Vietnams” became a reality not only because of strong antipathy toward unconventional conflicts within our society, but within the military itself.

Beginning in 1981, the Reagan Administration called for an upgrade of SOF capabilities and an emphasis on insurgency/counterinsurgency as a major strategy in confronting Soviet activities in the Third World. Despite this call from the top, there has been only modest progress, largely confined to the special operations forces themselves. Perhaps the greatest progress has been in US counter-terrorist capabilities, but supporting assets, particularly SOF airlift, remain inadequate and the subject of continuous bureaucratic battles over priorities and funding. The budget for SOF has more than tripled from 1981 to the present, but much of the money has gone toward upgrading the capability of SOF to support the CINCs in the prosecution of their conventional war plans.⁹ There is no real consensus among policymakers on how to respond to low-intensity challenges, nor is there any consensus that the United

States should actively prepare for such conflict. El Salvador provides a case in point. Considerable uncertainty on how to address the problem complicated establishing a coherent strategy within the Administration and triggered vocal opposition to what evolved as US policy. Congress was actively involved and legislated a number of restrictions on US policy so as to limit involvement and protect against "another Vietnam."

Reasons for Legislation

Why then did Congress feel compelled to enact the special operations legislation, and why did a bipartisan group take up an issue that had no real constituency? The legislation was not triggered by one specific reason or event, but by an accumulation of events over time that indicated such legislation was critically needed. Parts of the answer may be found in two areas—perceptions of the most likely threat to US interests and security for the foreseeable future, and the track record of the United States in special operations and low-intensity conflict in recent decades.

No national security specialist can predict with a high degree of certainty what form future conflict will take. However, there is enough evidence to make an informed guess. The Soviet Union has, since the early 1970s, pointedly increased its support of low-intensity conflicts. It has done this both directly and indirectly through such surrogates as East Germany, Czechoslovakia, Bulgaria, Cuba, Syria, Libya, North Korea, and others. Along with this, the Soviets have markedly increased their ability to project power in the past 20 years.¹⁰

Although Soviet activity has increased, the prospect of a direct confrontation between US and Soviet forces, especially in Europe, remains the least likely possibility.¹¹ Far more likely is the engagement of client or surrogate forces or, as in Vietnam and Afghanistan, the forces of either the Soviet Union or the United States against an insurgent force backed by the other. Secretary of State George Shultz has spoken bluntly on the subject: "Low-intensity conflict is the prime challenge we will face, at least through the remainder of this century. The future of peace and freedom may well depend on how effectively we meet it."¹² Ongoing conflicts exemplify this in El Salvador, Nicaragua, Peru, Thailand, Cambodia, the Philippines, Angola, Ethiopia, and (at this writing) Afghanistan. Add the constant threat of international and state-sponsored terrorism, and it is not hard to understand Secretary Shultz's concern.

The foregoing then was the sensing of a number of members of Congress in 1986, and in particular a core group of influential members led by Senators Nunn and Cohen and Representatives Daniel, Bennett, Hutto, and Kasich. The United States was facing low-intensity conflict as the most likely form of future conflict, with the prospect that this threat would intensify,

not recede. The second factor at work was the perceived US inability to conduct successful special operations in a low-intensity environment.

In 1985, the Army initiated the Joint Low Intensity Conflict Project, which not only included members of the military but had support and participation from the Department of State, JCS, and the CIA. The final report, issued in 1986, was highly critical of the US ability to face the challenge of LIC or political violence short of conventional war. The report begins by declaring, "Four themes prevail throughout the report: As a nation we do not understand low-intensity conflict; we respond without unity of effort; we execute our activities poorly; and we lack the ability to sustain operations."¹³ The report expands on each of these four themes, with two common threads running throughout. First, although LIC is the most likely threat, the United States has no coherent strategy for dealing with it. Second, the US mindset, and thus preparation, is still directed toward mid- to high-intensity conventional conflict, and there are consistent efforts to apply conventional solutions to unconventional challenges. The report summary says:

Our interests are being threatened with alarming frequency by various forms of political violence subsumed under the heading of low intensity conflict. . . . Our current defense posture reflects our inability to understand the form and substance of this direct challenge to our interests. . . . Short of war, we have no strategy or comprehensive plan to address the challenges of political violence. . . . We will need the courage to depart from conventional institutional norms and the vision to maintain a pragmatic defense posture increasingly relevant to a world characterized by neither war nor peace.¹⁴

This report reaffirmed the conviction of members of Congress not only that a low-intensity threat existed, but that there were serious systemic and organizational shortcomings in addressing it.

The US record in special operations has not been glowing. Disregarding the Vietnam experience, a series of events has drawn the attention of Congress because of their high visibility and, in a number of cases, their failure. The US attempt to free the hostages in Iran in 1980 ended in the fiasco of Desert One. The operation was daring, complicated, and beset with problems from the start. The Holloway report lays out these problems in detail, but it is worth reviewing some key points. First, there was no organization or command and control structure in place to plan, conduct training, and execute the mission. Forces had to be pulled together from the separate services and prepared from scratch. There was also the question of the mix of forces and whether service interests entered into the choice. Whatever the case, it took six months to prepare for a mission that ended short of the objective with fruitless loss of life and a serious blow to US prestige, morale, and international standing.¹⁵

Next came the US entry into Lebanon in 1983 that ended in withdrawal after 241 Marines were killed in a terrorist bomb attack. That the attack

was a surprise is obvious, but should it have been? In 1986, Noel Koch, who had recently resigned as the senior DOD official with responsibility for special operations and counter-terrorism, wrote a number of congressmen a letter in which he charged that he had tried to alert the JCS to the possibility of an intensifying terrorist threat as reported by a special operations survey team in Beirut, but was ignored. He contended that distrust of SOF and a convoluted command structure may well have contributed to the loss of the Marines.¹⁶

Almost concurrent with the Beirut bombing, the United States mounted Operation Urgent Fury to rescue the American medical students and restore order to the island nation of Grenada. The operation was a success, but numerous problems were associated with that success. Initial planning for the operation called for it to be an SOF operation, but as events unfolded other Army and Marine units became involved and the SOF plan was co-opted. Integration of the SOF and conventional units was poor from the start and severely hampered by excessive operational security. During the actual conduct of the operation, the Delta Force reportedly was unable to accomplish its mission and suffered a number of casualties in the attempt; the SEALs had limited success, but also took casualties; and the supporting SOF helicopters had high losses in the initial assault. The Rangers, who were credited with a daring parachute assault and quick seizure of their initial objectives, were called upon on the second day to rescue a large group of US students whose existence and location were unknown until the assault, a situation that could have proved disastrous had they been threatened. These reports suggest that US forces again suffered from inadequate intelligence and that, as planning progressed, SOF capabilities, such as night operations, were restricted in order to accommodate the conventional forces.¹⁷

Regarding the *Achille Lauro* hijacking incident, there are reports that the Administration ordered SEALs to free the shipboard hostages, but that the SEALs were delayed by repeated breakdowns of their transport aircraft from the United States. When the SEALs finally arrived at the scene, one American hostage was dead and all remaining hostages had been released.¹⁸

This is not to say that SOF were incapable or ill-prepared throughout this period. There undoubtedly were successes that were not reported or leaked, but Congress was left with the impression that while the forces themselves were superbly trained, their organizational structure, command and control, and support were inadequate.

Congress is not a monolithic organization with a single corporate will and direction. It goes without saying that not all members who voted for this legislation had strong opinions on SOF or LIC, or even had a passing knowledge of them. What was key here was the small group of senators and representatives who took up this issue and why. As with most legislation, who introduces it and who the cosponsors are become keys to the progress of the

legislation. Although the Senate and House bills took different approaches, they were eventually reconciled in a common result.

During 1986, as each bill was being worked on in committee, a series of events occurred that served to prompt or reinforce the will of these members to act. The first was the on-going legislative effort to reorganize the DOD—the Goldwater-Nichols Act. Extensive hearings were held on a variety of subjects, some of which related to SOF and LIC, and the Senate Armed Services Committee issued a detailed report that formed the basis of the legislation. A number of issues in the report—such as limited integration of effort at DOD’s policymaking level, failures to adequately implement the concept of unified command, and lack of strategic goals—all served to highlight problems with SOF and LIC. Another important influence on Congress was the testimony before both the House and Senate Armed Services Committees of a number of prominent officials, both active and retired, who had expertise in special operations and LIC. In general these men provided broad and credible support to the congressional attempt to highlight deficiencies in SOF and LIC and to the correction of these deficiencies through legislation. Among the many who testified were General Edward Meyers, General Robert Kingston, General Richard Stilwell, Lieutenant General Samuel Wilson, William Colby, and Professor Richard Shultz.

Two testimonies in particular came at an important juncture and had a heavy influence on both committees. The first was the testimony of retired Major General Richard Scholtes, who was the commander of the Joint Special Operations Command at the time of the Grenada operation. Most of this testimony was classified and the exact content is not known; however, it dealt in large part with the problems SOF had in Grenada and the reasons for them. General Scholtes’ testimony had a profound effect on members of both committees. Senator Nunn referred to the testimony as “profoundly disturbing to say the least.” Senator Cohen credits this testimony as the key toward persuading him to move strongly for the legislation.¹⁹

The other testimony actually came in the form of the previously cited letter from Noel Koch. In his lengthy letter he detailed his experiences trying to enhance SOF capabilities in DOD and the many roadblocks and difficulties he had encountered. He commented on the contentious issue of SOF airlift and the resistance by the Air Force to a meaningful upgrade despite specific guidance from Congress. He then described his frustration at trying to brief the JCS on the changing nature of the terrorist threat to the United States, and how a special survey team that had been in Beirut before the bombing of the Marine barracks had warned of the turn from hostage-taking to large bombings. He went on to detail what he termed the entrenched resistance in both the JCS and DOD to SOF, concluding with this trenchant warning: “I am watching the same predominately selfish interests at work, and I have no

doubt that their success can only lead somewhere, sometime to a replay of Beirut, October 23."²⁰

Rationale for the Specific Legislative Provisions

The next question to address is what were the reasons for the content of the final legislation? Why did Congress opt for the organizational structure that resulted, and why were they so specific in the final language of the bill? It will be helpful to look first at the different approaches that the House and Senate took.

The House version of the bill (HR5901) called for establishing a National Special Operations Agency within DOD headed by a civilian director who would report directly to the Secretary of Defense. The House, under the leadership of Representative Dan Daniel, conducted extensive hearings on the bill that went on for more than two years. The House panel concentrated on special operations and did not examine the larger issue of low-intensity conflict. They were also more pessimistic about SOF reform within DOD, and were less inclined to accommodate DOD initiatives on SOF enhancement. In fact, Representative Daniel's initial proposal in 1985 was for the formation of a sixth service specifically for special operations.²¹ The House approach was to take special operations and its forces as far out of conventional military command and control as possible. That is, rather than simply changing the system, the House approach was to get SOF away from the system.

The Senate bill (S2453) had a broader scope because it not only proposed to enhance SOF, but to integrate planning and preparation for LIC within the government. Why did the Senate version include LIC and the House version not? One reason is that the House had separate panels looking at special operations and DOD reorganization and reform, whereas in the Senate one panel was looking at both issues and it was thus easier to connect them. The Senate bill called for a unified combatant command with a four-star commander, an Assistant Secretary of Defense for civilian oversight, and a National Security Council board for integration and policy coordination. The issue of the NSC board reflected the broader approach of the Senate and its desire to address the problem of low-intensity conflict policy coordination through the most appropriate agency, the NSC. Also, adding an Assistant Secretary of Defense would increase SOF and LIC advocacy within DOD.

Both bills passed their respective chambers and went to conference in October 1986. The final legislation arrived at by the conferees reflected the Senate version almost in toto, with the exception of a House provision to give budget authority to the new unified command CINC. The Senate version prevailed for the most part for two reasons. First, it was closer than the House bill to the latest DOD proposal put forth in an effort to head off binding legislation, and thus represented the hint of a consensus that in turn might

reduce some of the bureaucratic resistance to implementation. Second, and more important, the House bill ran counter to many of the major aspects of the Goldwater-Nichols Act, which was just being completed. The House proposal for a separate agency would have been in conflict with strengthening the unified combatant CINCs and enhancing the authority of the Chairman of the JCS. Senator Nunn was particularly concerned about the effect of a separate agency, saying, "It does go against integrating those forces in the command structure. It would be separate from the command structure and I am very dubious about that."²²

Congress, by its own admission, was unusually specific in the legislation. What prompted this specificity and involvement in details that normally would not have been addressed? The Joint Explanatory Statement issued by the conferees gives a good sense of the thinking of the members:

The conferees carefully considered the degree of specificity to include in this provision. Although several elements of this provision are more specific than may normally be expected in legislation, the conferees determined that the seriousness of the problems and the ability or the unwillingness of the Department of Defense to solve them left no alternative. The action of the conference committee is fully consistent with the power provided in the Constitution for the Congress "to provide for the common defense." The conferees determined that the failure to act forcefully in this area and at this time would be inconsistent with the responsibilities of the Congress to the American people.²³

One issue that drove specificity in the final bill was the strong opposition to the legislation by DOD. From the early hearings by the House panel up to the days before the final legislation was passed, DOD opposed the concept of a separate command or agency for special operations. DOD opposition did not really solidify until the summer of 1986, however, when both the House and Senate had introduced their respective bills. Both DOD and Administration officials stressed the need for an internally generated "fix" for SOF as opposed to a congressionally directed one.

When it became apparent in the summer of 1986 that there would be legislation of some sort, DOD proposed a Special Operations Forces Command, which they contended would meet the intent and spirit of the Senate bill. There were some significant differences in that the DOD proposal called for a command headed by a three-star flag, not a unified command headed by a four-star CINC. In addition, the DOD proposal held no provision for a separate Assistant Secretary of Defense, nor any provision for representation on the NSC. In testimony, Richard Armitage, Assistant Secretary of Defense for International Security Affairs, stated that binding legislation would serve to isolate SOF from the rest of the military, while DOD wanted to "insulate" them.²⁴

The reform-minded members of Congress became convinced that despite recent positive action and statements from the Chairman of the JCS,

Admiral William Crowe, there remained significant opposition to the enhancement of SOF, and there was too much possibility of roller-coaster drops in its future priority. Without an institutional advocacy, SOF priority might well revert to being personality dependent.

A continuing source of frustration and thus an impetus for specificity was the issue of SOF airlift. Congress had continually pressured DOD to raise the priority of SOF airlift and establish a long-term plan for acquisition and funding. Congress directed DOD to include SOF airlift in the FY87-91 Five Year Defense Plan, but later charged that DOD had reallocated funds and removed SOF airlift from the five-year plan.²⁵ In Koch's letter, he referred to the lack of priority given SOF airlift and what he termed the inadequate readiness status of Air Force special operations aircraft.²⁶

The issue of SOF airlift and the congressional perception of DOD intransigence even in the face of mandated requirements illustrate why there was unusual specificity in the final legislation. The intent of Congress was to institutionalize the priority of SOF in the face of strong opposition from DOD, thus avoiding the shifting priorities of different officials or administrations.

Policy Implications

The last question to address is what are the policy implications of this legislation? Is it an exception, or is it the beginning of a new era of congressional involvement in national security operational matters? On a less lofty plane, to what degree is there a difference in attitudes and priorities between Congress and DOD over special operations and LIC?

Vietnam was a watershed for the US military, and the end of that war stimulated a speedy return to preoccupation with the conventional environment of Europe. Another consequence was that the perception of military capabilities and the policies within which they can be employed have clearly been linked to conventional conflicts.²⁷ In the drive to avoid another Vietnam, the path taken for the most part has been to ignore the lessons of that conflict rather than to seriously study low-intensity conflict. While special operations forces have clearly received increased priority during the Reagan Administration, with a budget increase from \$441 million in 1981 to \$1.6 billion in 1987, much of this increased spending has gone toward deep-penetration airlift, which has a primary focus of supporting SOF in a conventional war. There is also a body of opinion in the military leadership that feels that special operations are most often a capability, rather than a mission, and therefore that general purpose forces, with some additional training and equipment, should be able to conduct special operations.

The congressional view is that special operations have been inadequately practiced. Members of Congress invoke these inadequacies to support their conviction that special operations must have their own identity in the

assignment of missions. They are also looking for an institutionalized solution for integrating low-intensity efforts that include more than just the military.

What then does this legislation say about the willingness of Congress to get involved in operational matters? This is the first time that Congress has directed the formation of a unified combatant command, specifying the forces that will be assigned to it and the missions it will have. The Administration raised a Constitutional issue late in the game when Admiral John Poindexter, then the President's National Security Advisor, wrote to the cosponsors of the legislation: "I urge you to reconsider the need for this restrictive detailed legislation on this sensitive issue. . . . [I]t would present potential constitutional problems because it would impermissibly limit the President's authority as Commander-in-Chief."²⁸ It is not apparent whether the Administration was objecting to the unified combatant command, the NSC coordinating board, or both. The unified combatant command structure and the NSC were both established by law, and it was the congressional position that Congress could further refine those structures without overstepping their Constitutional bounds. The Administration did not press the issue further.

It is difficult to predict future congressional actions, but there are some straws in the wind. In January 1987, the Senate Armed Services Committee, under the leadership of Senator Nunn, conducted a series of hearings on national security strategy. The feeling was that Congress was intimately involved in the resourcing of national security, but that all sectors of government, from Congress to the DOD, were consumed by the budgeting aspect of national security at the expense of its fundamental aspects—the ends, ways, and means. These hearings were not intended to produce any legislation, but to emphasize a critical aspect that was usually lost sight of in the yearly rush toward a budget. While they did not focus on SOF or LIC, the hearings served to heighten awareness among key members of threats to national security and the means by which to address them. The clear indication is that Congress, with the leadership of certain influential members, might well be taking a more activist role outside of the resourcing and budgeting arena.

It is now obvious that DOD either did not fully understand the concern of Congress about special operations and LIC or, more likely, did not feel there was enough support in either chamber for binding legislation. Thus it was not until the summer of 1986 that DOD made a serious proposal for a separate command, and by that time the sentiment for binding legislation was building. Had DOD paid more attention earlier in the chain of events, the result might well have been limited to a sense of the Senate resolution. In sum, DOD did a poor job of reading congressional frustration over SOF enhancement.

The legislation to enhance the capabilities of the United States to engage in low-intensity conflict and to improve special operations forces was unique in that it was an effort by Congress not only to focus on a likely threat to US security, but to improve US capabilities to face that threat. The final



Typical of new equipment being developed for SOF is the McDonnell Douglas "Nightfox" helicopter shown here. Its infrared thermal imaging system permits night observation missions.

legislation was the result of congressional frustration over perceived resistance by DOD to meaningful improvement of SOF, and was unusually specific in its language. An unfortunate history of checkered special operations performances in the past ten years provided a vivid reminder of the difficulty, sensitivity, and impact of special operations on US national security and foreign policy. The problems with these past operations were further reinforced by the testimony of officials who were highly critical of the planning and command and control of the operations. This legislation and the events leading up to it are instructive because of the policy implications of binding legislation involving a sensitive issue, and because of the effort by Congress to mandate an organizational solution to a conceptual and institutional problem. Since the

legislation is only a little more than a year old, it is too soon to evaluate its impact on SOF, but the conceptual problems and service biases that evoked the legislation will not soon disappear.

NOTES

1. The JCS definition: "Low-intensity conflict is a limited politico-military struggle to achieve political, social, economic, or psychological objectives. It is often protracted and ranges from diplomatic, economic, and psychosocial pressures through terrorism and insurgency. Low-intensity conflict is generally confined to a geographic area and is often characterized by constraints on the weaponry, tactics, and level of violence."
2. Congress, Senate, Committee on Armed Services, Subcommittee on Sea Power and Force Projection, "Low-Intensity Conflict and U.S. National Security," Statement prepared by Richard H. Shultz, Jr., 99th Cong., 2d Sess., 5 August 1986.
3. Joint Low Intensity Conflict Project, *Joint Low Intensity Conflict Project Final Report, Vol. 1, Analytical Review of Low Intensity Conflict* (Ft. Monroe, Va.: USATRADOC, 1 August 1986), p. 1-3.
4. Frank R. Barnett et al., eds. *Special Operations in U.S. Strategy* (Washington: National Defense Univ. Press, 1984), p. 35.
5. Andrew F. Krepinevich, *The Army and Vietnam* (Baltimore: Johns Hopkins Univ. Press, 1986), p. 30.
6. Ibid., p. 27.
7. Ibid., p. 37.
8. Shultz statement. See also Theodore Shackley, *The Third Option* (New York: McGraw-Hill, 1981) for an in-depth discussion of capabilities required for LIC, and the gutting of CIA assets in the 1970s.
9. Shultz statement.
10. Barnett et al., p. 37.
11. Ibid.
12. *Joint Low Intensity Conflict Project Final Report, Executive Summary*, p. 1.
13. Ibid., p. 2.
14. Ibid., pp. 8-9.
15. See Paul B. Ryan, *The Iranian Rescue Mission: Why It Failed* (Annapolis, Md.: Naval Institute Press, 1985), ch. 7, for a good account of the "Holloway Report" and its contents.
16. Noel C. Koch, letter to members of Congress, September 1986. Mr. Koch wrote a number of members a six-page, single-spaced letter that detailed his frustration in trying to enhance SOF capabilities while a senior official in DOD. Contents of his letter were widely reported in the press in late 1986.
17. See Steven Emerson, "What Went Wrong on Grenada?" *U.S. News and World Report*, 3 November 1986; John J. Fialka, "Commando Missions Didn't Go as Planned," *The Wall Street Journal*, 15 November 1983; Edward N. Luttwak, *The Pentagon and the Art of War* (New York: Simon & Schuster, 1984), pp. 53-56.
18. Shultz statement. Mr. Koch also refers to this incident on page 2 of his letter to members of Congress.
19. US Congress, *Congressional Record*, 99th Cong., 2d Sess., 6 August 1986, pp. S10541-44. During debate on 6 August 1986, both Senator Cohen and Senator Nunn referred repeatedly to MG (Ret.) Richard Scholtes' testimony the day prior and its disturbing impact, and urged other Senators to read the testimony.
20. Koch letter, p. 6.
21. "SOF Reorganization: Everyone Has a Plan—Senate, House, and DOD," *Armed Forces Journal International*, September 1986, p. 18.
22. "Rep. Daniel's Bill," *Armed Forces Journal International*, August 1986, p. 12.
23. US Congress, *Joint Explanatory Statement for the Conference Committee on Special Operations Forces* (Senate Section 1224 and House Section 1011 of the FY 1987 National Defense Authorization Bill), 2 October 1986, p. 1.
24. Congress, Senate, Committee on Armed Services, Subcommittee on Sea Power and Force Projection, Testimony by Richard L. Armitage, 99th Cong., 2d Sess., 5 August 1986.
25. See US Congress, *Congressional Record*, 99th Cong., 2d Sess., 6 August 1986, p. S10544. Senator Nunn was describing to Senator Chafee his frustration over trying to get DOD to upgrade SOF airlift.
26. Koch letter, p. 2.
27. Barnett et al., p. 273.
28. John M. Poindexter, letter to members of Congress, 1 October 1986. Admiral Poindexter, then the National Security Advisor, wrote a number of members to "express the President's concern" over the pending SOF legislation. He contended that the DOD proposal for a separate command was adequate, and he raised the constitutional issue.